REMARKS

The present Amendment cancels claim 1, amends claims 2-4 and 10-13 and leaves claims 5-9 unchanged. Therefore, the present application has pending claims 2-13.

Claims 11 and 13 stand objected to due to informalities noted by the Examiner in paragraph 1 of the Office Action. various amendments were made throughout claims 11 and 13 so as to correct the informalities noted by the Examiner. Particularly, amendments were made to claims 11 and 13 so as to more clearly recite the features regarding the channel assignment operation. Therefore, reconsideration and withdrawal of the objection to claims 11 and 13 is respectfully requested.

Claim 1 stands rejected under 35 USC §102(b) as being anticipated by Avidor (U.S. Patent No. 6,144,652); claims 2-9 stand rejected under 35 USC §103(a) as being unpatentable over Avidor in view of Yafuso (U.S. Patent No. 6,108,536) and claims 10-13 stand rejected under 35 USC §103(a) as being unpatentable over Yafuso. As indicated above, claim 1 was canceled. Therefore, the rejection of claim 1 under 35 USC §102(b) as being anticipated by Avidor is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

With respect to the remaining claims 2-13 Applicants traverse the 35 USC §103(a) rejections based upon Avidor and Yafuso whether taken individually or in combination with each other. Therefore, reconsideration and withdrawal of these rejections is respectfully requested.

Claims 2-9 of the present application recite, for example, a control method of assigning a channel to a modem processing unit of an RF base station so as to demodulate a base band received signal and modulate a transmit data signal. As per the present invention, the modem processing unit operates in a time multiplexing manner. Unique according to the present invention is that the modem processing unit is checked so as to determine the load thereof and the channel is assigned to the modem processing unit if the modem processing unit has a minimum level of load margin. These features of the present invention are not taught or suggested by any of the references of record particularly Avidor and Yafuso whether taken individually or in combination with each other as suggested by the Examiner.

Avidor teaches a system for converting a plurality of carrier frequency band signals by a plurality of antennas provided in an RF base station to a plurality of base band received signals in an RF unit. In Avidor, the receiving system contains a buffer so as to temporarily store received signals as the modem components are operating so as to demodulate the received signals. Avidor teaches that the channels are assigned to the modem component and each modem component performs a check so as to determine an idle time slot in the channel wherein a transmission is conducted if the idle time slot is found.

The above described teachings of Avidor are not related to the features of the present invention as now more clearly recited in the claims. Particularly, the present invention recites that the load of the modem processing unit is checked and the channel is assigned to the modem processing unit if the modem processing has a minimum level of load margin. This feature of the present invention has nothing to

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do with the time slot to which a communication is to be assigned but rather is concerned with whether the modem processing unit has exceeded its capacity or is approaching its known capacity for conducting processings. If the modem processing unit has exceeded or is coming very close to its capacity to conduct processings then the communications will become delayed. The present invention avoids such by constantly monitoring the load of each modem processing unit and assigning a particular channel to a modem processing unit if it still has a minimum level of load margin. Such features are clearly not taught or suggested by Avidor.

Therefore, Avidor fails to teach or suggest enabling a controller to check the loads of a plurality of modem processing units and assigning a channel to a modem processing unit still having a minimum level of load margin as recited in the claims.

The above noted deficiencies of Avidor are not supplied by Yafuso. Therefore, combining the teachings of Avidor and Yafuso in the manner as suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Yafuso discloses a system for displaying performance characteristics of a circuit in a telecommunications network, said performance characteristics being determined by conducting a performance test. Thus, in Yafuso, the object is to setup the antennas of the base station so that the antennas are balanced relative to each other. In col. 1, lines 53-59 of Yafuso it is well understood that the finger and peak data of the CSM chips will be corrected only when the antennas are tilted correctly and they can be used to judge the correctness of the antenna balance. As taught by Yafuso, a test call is measured as discussed in col. 1, lines 36-38 by the base station

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so as to analyze base station performance whose subset includes finger state values such as unassigned, assigned, etc. Attention is directed to col. 3, lines 55 to col. 4, line 34 of Yafuso. In Yafuso, after a plurality of measurements, the most useful subset being developed thereby is selected to give the antennas the correct balance. Yafuso merely teaches a system and method which deals with setting up antennas of a base station. Yafuso does not teach or suggest the features as now more clearly recited in the claims regarding the monitoring of the load of a processor and not assigning a channel to a modem processing unit if a minimum level load margin has not been executed.

Thus, Yafuso suffers from the same deficiencies relative to the features of the present invention as recited in the claims as Avidor. Particularly, Yafuso fails to teach or suggest <u>enabling a controller to check the load of the modem processing unit and assigning a channel to the modem processing unit still having a minimum level of load margin</u> as recited in the claims.

Therefore, combining the teachings of Avidor and Yafuso in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 2-9 as being unpatentable over Avidor in view of Yafuso.

The above described features of the present invention are also evident in claims 10-13. According to the features of the present invention as recited in claims 10-13, the present invention provides a method and a handover process wherein the signals from the same mobile station receives via the first antenna and the second

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antenna are assigned to the same processing unit. Thus, according to the present invention the advantage is that a plurality of signals received from different sectors, from the same mobile station, to be combined in the same base band demodulator in a handover processing thereby enabling the integration of receiving function and an inter-sector combining function in a card or a chip. Such features are clearly not taught or suggested by Yafuso.

Therefore, the features of the present invention as recited in claims 10-13 are not taught or suggested by Yafuso whether taken individually or in combination with any of the other references of record.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-13.

In view of the foregoing amendments and remarks, Applicants submit that claims 2-13 are in condition for allowance. Accordingly, early allowance of claims 2-13 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.38452X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 312-6600